

I certify that the attached is a true and correct copy of HJR 77, which was filed of record on MARCH 3, 1981 and referred to the committee on:

Constit. Amendments

FILED MAR 3 1981

*Betty Murray*  
Chief Clerk of the House

By Burnett

HJ.R. No. 77

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature to  
2 provide terms not to exceed four years for members of governing  
3 boards of certain water districts and conservation and reclamation  
4 districts.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. That Article XVI, Section 30, of the Texas  
7 Constitution be amended to read as follows:

8 Sec. 30. (a) The duration of all offices not fixed by this  
9 Constitution shall never exceed two years.

10 (b) ~~When[;--provided;--that--when]~~ a Railroad Commission is  
11 created by law it shall be composed of three Commissioners who  
12 shall be elected by the people at a general election for State  
13 officers, and their terms of office shall be six years. ~~[;--~~  
14 ~~provided;]~~ Railroad Commissioners first elected after this  
15 amendment goes into effect shall hold office as follows: One shall  
16 serve two years, and one four years, and one six years; their terms  
17 to be decided by lot immediately after they shall have qualified.  
18 And one Railroad Commissioner shall be elected every two years  
19 thereafter. In case of vacancy in said office the Governor of the  
20 State shall fill said vacancy by appointment until the next general  
21 election.

22 (c) The Legislature may provide that members of the  
23 governing board of a district or authority created by authority of  
24 Article III, Section 52(b)(1) or (2), or Article XVI, Section 59,

1 of this Constitution serve terms not to exceed four years.

2       SECTION 2.   This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held on November 2,  
4 1982. The ballot shall be printed to provide for voting for or  
5 against the proposition: "The constitutional amendment authorizing  
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# HOUSE COMMITTEE REPORT

1ST PRINTING

F

By Burnett

H.J.R. No. 77

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COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

5-12-81  
(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred HJR 77, have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ☒ ) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( ☒ ) yes ( ) no

An author's fiscal statement was requested. ( ) yes ( ☒ ) no

An actuarial analysis was requested. ( ) yes ( ☒ ) no



The Committee recommends that this measure be placed on the ~~Journal~~ or ~~TS Journal~~ Calendar.

This measure ( ) proposes new law.  
( ) amends existing law.  
( ☒ ) *proposes a constitutional amendment*  
House Sponsor of Senate Measure \_\_\_\_\_.

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
McFarland, Ch.	✓			
Whaley, V.C.	✓			
Atkinson				✓
Barrientos	✓			
Delco	✓			
Elizondo				✓
Schoolcraft	✓			
Sharp	✓			
Ware				✓

Total  
6 aye  
0 nay  
0 present, not voting  
3 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## ANALYSIS

### Background Information

Article XVI, Section 30, of the Texas Constitution provides that the duration of all offices not otherwise fixed by the Constitution shall never exceed two years. Currently, the duration of office is not constitutionally fixed for members of governing boards of certain water districts and conservation and reclamation districts created by authority of Art. III, Sec. 52 (b)(1) or (2), or Art. XVI, Sec. 59. Therefore, the two year maximum provision of Sec. 30 is applicable to such offices.

In some rural areas of the state, an incredibly low voter turnout has been experienced with respect to the biannual elections of members of the governing boards of these water, conservation, and reclamation districts, and some suggest that four-year terms would be more appropriate for these offices.

### Purpose and Synopsis

The purpose of this resolution is to amend Art. XVI, Sec. 30, of the Texas Constitution to authorize the legislature to provide terms not to exceed four years for members of governing boards of certain water districts and conservation and reclamation districts. It also provides for submission of the proposed constitutional amendment, in a prescribed ballot form, to the voters at an election to be held November 2, 1982.

### Rulemaking Authority

It is the committee's opinion that this joint resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action

Public notice was posted in accordance with Section 3.084, Rules of Procedure of the House of Representatives, and a public hearing was held on April 22, 1981.

There were no witnesses in support of or in opposition to the resolution.

The resolution was referred to a subcommittee consisting of the following: Atkinson, ch., Barrientos and Delco, members. On May 7, 1981, the measure was reported to the full committee without amendments.

On May 12, 1981, the full committee voted to report H.J.R. 77 to the House without amendments and the recommendation that it do pass by a record vote of 6 ayes and no nays (3 members absent).

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

March 19, 1981

Honorable Bob McFarland, Chairman  
Committee on Constitutional Amendments  
House of Representatives  
Austin, Texas

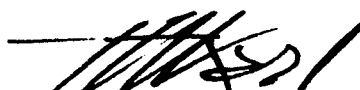
In Re: House Joint Resolution No. 77  
By: Burnett

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Joint Resolution No. 77 (proposing a constitutional amendment authorizing the Legislature to provide terms not to exceed four years for members of governing boards of certain water districts and conservation and reclamation districts) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

No fiscal implication or additional cost to the State or units of local government attributable to the bill, should it be enacted, is anticipated.



Thomas M. Keel  
Director

Source: LBB Staff: TK, JH, PA

# HOUSE ENGROSSMENT

SPECIAL PRINTING

By Burnett

H.J.R. No. 77

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COMMITTEE REPORT FORM

*4/28/81*  
Austin, Texas

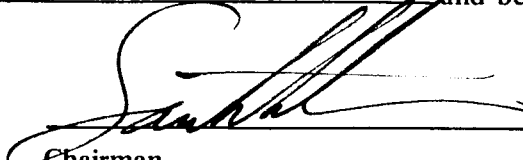
5/28/81

Date of report to Senate

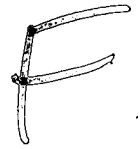
Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on NATURAL RESOURCES to which was referred  
HJR B, No. 77 have had the same under consideration, and I am instructed to report it back to the Senate  
with the recommendation that it do pass and be printed.

  
Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.



ENROLLED

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\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 77 was passed by the House on May 19, 1981, by the following vote: Yeas 135, Nays 2, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 77 was passed by the Senate on May 30, 1981, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

RECEIVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

H. J. R. No. 77

By

Burnett

HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide terms not to exceed four years for members of governing boards of certain water districts and conservation and reclamation districts.

MAR 3 1981

1. Filed with the Chief Clerk.

MAR 4 1981

2. Read first time and referred to Committee on

Constitutional Amendments  
5-13-81

5-12-81

3. Reported favorably <sup>(as amended)</sup> and sent to Printer at 7:10 p.m.  
<sub>(as substituted)</sub>

MAY 13 1981

4. Printed and distributed at 9:15 pm

MAY 14 1981

5. Sent to Committee on Calendars at 8:18 am.

MAY 19 1981

6. Read second time (amended) and <sup>finally</sup> passed ~~to Third Reading~~ by a Record Vote of 135 yeas, 2 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 19 1981

11. Ordered Engrossed at 5:07 pm

MAY 19 1981

12. Engrossed.

MAY 19 1981

13. Returned to Chief Clerk at 7:20 pm

MAY 20 1981

14. Sent to the Senate.

Bertie Murray  
Chief Clerk of the House

MAY 20 1981

15. Received from the House

MAY 21 1981

16. Read, referred to Committee on NATURAL RESOURCES

MAY 28 1981

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 30 1981

20. Regular order of business suspended by H.C.  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 30 1981

22. Read second time passed to third reading by:  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

MAY 30 1981 24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,  
0 nays to place bill on third reading and final passage.

MAY 30 1981 25. Read third time and passed by  
(a viva voce vote.)  
( 30 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

May 30, 1981 26. Returned to the House.

MAY 30 1981 27. Received from the Senate (~~with amendments~~)  
(~~as substituted~~)

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 30 1981 31. Ordered Enrolled at 6:25 pm

MAY 13 1981

HOUSE OF REPRESENTATIVES

1981 MAY 13 PM 9:15

HOUSE OF REPRESENTATIVES